

# Federal Defenders OF NEW YORK, INC.

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June 23, 2016

**BY ECF**

Honorable William H. Pauley III  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: Roderick Gunn v. United States, No. 06-cr-911; 14-cv-3228 (WHP)

Dear Judge Pauley:

I write to inform the Court that, pursuant to the Standing Order in the Southern District of New York, 15 Misc. 373, assigning Federal Defenders to review cases in which an inmate may have a habeas claim in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), we have identified Mr. Gunn as having a viable claim and will submit briefing on his behalf with respect to that claim.

It appears that Mr. Gunn has a motion under 28 U.S.C. § 2255 currently pending before Your Honor. Given my appointment in this matter, I respectfully request that the Court not rule on Mr. Gunn's § 2255 motion until I have a chance to supplement the motion in light of *Johnson*.

To protect Mr. Gunn's rights under the statute of limitations found in § 2255, which expires on June 27, 2016, I am amending his initial petition to include claims that Mr. Gunn's due process rights were violated when his conviction and sentence were imposed in violation of the Supreme Court's ruling in *Johnson*. Mr. Gunn's convictions under 18 USC § 924(c) and 18 USC § 924(j) must be vacated, because his predicate Hobbs Act robbery and conspiracy convictions no longer qualify as crimes of violence.

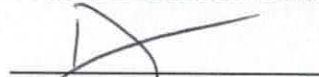
I will provide further briefing upon discussions with the United States Attorney's Office consistent with the Standing Order.

With this letter, I will also be filing a notice of appearance.

Respectfully submitted,



Samuel Jacobson  
Federal Defenders of New York



Deirdre D. von Dornum  
Federal Defenders of New York

cc: USAO